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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,579	01/04/2001	Hideobu Nishida	0969-0171P	2025

2292 7590 10/29/2002

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EXAMINER

LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 10/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

07/753,579

Applicant(s)

Nishida et al

Examiner

LANB

Group Art Unit

734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-15 is/are pending in the application.
- ☐ Claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claim(s) 1-15 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5, drawn to apparatus, classified in class 198, subclass 346.3.
- II. Claims 6 and 12, drawn to method, classified in class 427, subclass 435.
- III. Claims 7-11, drawn to apparatus, classified in class 118, subclass 66.
- IV. Claims 13-14, drawn to apparatus, classified in class 118, subclass 412.
- V. Claim 15, drawn to method, classified in class 427, subclass 402.

The inventions are distinct, each from the other because:

Inventions (II or V) and (I or III or IV) are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as one wherein the carrier swings without stopping above the painting section or treatment bath or the like.

The invention of Group I is independent and distinct from the invention of Group III or Group IV. The invention of Group III or Group IV does not require the workpiece to be supported above the conveyor using a carrier as set forth by the invention of Group I. The invention of Group I does not require that the apparatus include an exclusive treating section on each side of the conveyor for each different kind of workpiece as set forth by the invention of Group III or Group IV.

Invention of Group II is independent and distinct from the invention of Group V. Invention of Group II does not require multicolor painting of a workpiece using the steps of

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moving the workpiece to a plurality of paint sections and rotating the conveyor either to the right or left to paint the workpiece with a required color in any one of the painting section as set forth by the invention of Group V. Invention of Group V does not require dipping treatment of the workpiece or workpieces using a treatment bath as set forth by Group II.

The invention of Group III is independent and distinct from the invention of Group IV. The invention of Group III does not require the work piece to be guided and moved by a single conveyor or have a plurality of paint sections for applying different colors at both the left and right sides of the single conveyor as set forth by the invention of Group IV. The invention of Group IV does not require the apparatus treat a plurality of different kinds of work pieces and a conveyor for each different kind of work piece as set forth by the invention of Group III.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

A telephone call was made to office of Attorney Slattery on 9/19/02 (approximate) to request an oral election to the above restriction requirement, but did not result in an election being made.


Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication should be directed to Brenda Lamb at telephone number 703-308-2056. The examiner can normally be reached on Monday and Wednesday through Friday with alternate Tuesdays off.

B. A. Lamb/mn

October 16, 2002


BREND A. LAMB
PRIMARY EXAMINER